

State Water Resources Control Board  
Division of Water Quality  
Water Quality Certification Program

**Public Notice of Application for  
Water Quality Certification**

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

**Applicant:** California Department of Fish and Wildlife

**Applicant Contact:** Patty Forbes

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**Project Name:** The 2013 Fisheries Restoration Grant Program

**Date of Application:** April 9, 2013

**Public Notice of Application for  
Water Quality Certification for the Department of Fish and Wildlife  
2013 Fisheries Restoration Grant Program**

Affected Counties: several coastal counties from Humboldt County to Santa Barbara County

On April 9, 2013, the State Water Board received an application from the Department of Fish and Wildlife (CDFW) requesting Federal Clean Water Act, section 401 Water Quality Certification for activities related to the 2013 Fisheries Restoration Grant Program (FRGP). The purpose of the program is to restore anadromous fisheries habitat in non-tidal reaches of rivers and streams, improve watershed conditions impacting salmonid streams, and improve the survival, growth, migration, and reproduction of anadromous fish. CDFW, through the FRGP, uses funds mandated to restore degraded anadromous fish habitat in coastal streams for a variety of salmonid habitat restoration projects. Restoration projects must be consistent with the procedures found in CDFW's "California Salmonid Stream Habitat Restoration Manual". The FRGP manages an annual grant cycle initiated in the spring of each year.

Proposed program activities are designed to restore salmon and steelhead habitat with the goal of increasing populations of wild anadromous fish in coastal streams and watersheds. Habitat restoration activities and practices include fish passage projects, bank stabilization treatments, road decommissioning or upgrade, and replacement or modification of culverts that are barriers

to fish passage. Proposed structures would provide predator escape and resting cover, increased spawning habitat, improve upstream and downstream migration corridors, improve pool to riffle ratios, and add habitat complexity and diversity. Some structures would be designed to reduce sedimentation, protect unstable banks, stabilize existing slides, provide shade, and create scour pools. Projected permanent and temporary impacts to Waters of the U.S. and waters of the state are summarized in Table 1, below.

TABLE 1: Summary of Impacts to Waters of the State and U.S.				
Feature	Permanent Impacts (acre)	Permanent Impacts (linear feet)	Temporary Impacts (acre)	Temporary Impacts (linear feet)
Wetland				
Streambed		35,006.4	327.286	131,345
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian	7,850	599,364		
Isolated Waters				
Total Impacts	7,850	634,370.4	327.286	131,345

**Status of CEQA and Other Natural Resource Documents and Permits:**

The CDFW, acting as lead agency under CEQA, submitted the Mitigated Negative Declaration (MND) for the 2013 FRGP to the State Clearinghouse (SCH# 2012122042) in December 2012.

The Los Angeles District of the U.S. Army Corps of Engineers (Corps) issued Regional General Permit (RGP) 78 (Corps File No: SPL-2003-01123-BAH) for authorization of projects implemented under the CDFW FRGP within the Corps’ Los Angeles District, and the San Francisco District of the Corps issued RGP 12 (Corps File No. 2003-279220N) for authorization of projects implemented under the CDFW FRGP within the Corps’ San Francisco District.

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service issued a Biological Opinion for the DFW FRGP (File No. 2010/01038).

The Corps consulted with the U.S. Fish and Wildlife Service (USFWS) regarding the CDFW FRGP as required by the federal Endangered Species Act. Each USFWS office issued a letter for the RGP regarding FRGP projects occurring within their jurisdictional boundaries. The Sacramento Fish and Wildlife Office issued a Biological Opinion (File No. 1-1-03-F-273), the USFWS Arcata Fish and Wildlife Office issued a Letter of Concurrence (File No. 81331-2009-I-0097), and the USFWS Ventura Fish and Wildlife Office issued a Biological Opinion (File No. 81440-2009-F-0387).

Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-

day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Bob Solecki at (916) 341-5483 or [rsolecki@waterboards.ca.gov](mailto:rsolecki@waterboards.ca.gov)

**Date Posted: April 29, 2013**

**State Water Resources**

**Control Board Staff Contact:**

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**Note: No regulatory decision on the application is implied or intended in this public notice.**